

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC

**SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

**FIRST AMENDED SHORT FORM COMPLAINT**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Sandra Paul

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Florida

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter

☐ Eclipse<sup>®</sup> Vena Cava Filter

☐ Meridian<sup>®</sup> Vena Cava Filter

☒ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

March 19, 2015

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence Per Se

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

1           X     Count XIII: Fraudulent Concealment

2           X     Count XIV: Violations of Applicable Florida

3                     Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade  
4                     Practices

5           ☐    Count XV: Loss of Consortium

6           ☐    Count XVI: Wrongful Death

7           ☐    Count XVII: Survival

8           X     Punitive Damages

9           ☐    Other(s): \_\_\_\_\_ (please state the facts supporting  
10                     this Count in the space immediately below)

11                     \_\_\_\_\_  
12                     \_\_\_\_\_  
13                     \_\_\_\_\_  
14                     \_\_\_\_\_  
15                     \_\_\_\_\_

16  
17       13.    Jury Trial demanded for all issues so triable?

18           X     Yes

19           ☐    No

1 RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of February, 2019.

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19 Attorneys for the Plaintiff

20 I hereby certify that on this 7<sup>th</sup> day of February, 2019, I electronically transmitted  
21 the attached document to the Clerk's Office using the CM/ECF System for filing and  
22 transmittal of a Notice of Electronic Filing.

/s/ Monte Bond

/s/ Jessica Glitz